

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 12 2007

IAP22
PATENT & TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/659,517

09/11/2003

Mamoud Sadre

3614

7590
MAMOUD SADRE
165 Tremont Street
Boston, MA 02111

10/03/2007

EXAMINER

RAPP, CHAD

ART UNIT

PAPER NUMBER

2125

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/659,517	SADRE, MAMOUD
	Examiner	Art Unit
	Chad Rapp	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 - Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 - Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Art Unit: 2125

1. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In independent claims 1 and 15, the claims both contain system plus a computer program which is two separate statutory class types only one type of statutory class , either a system or a computer program must be selected per claim.

5. As to claim 1, the phrase “commodity-like” renders the claim indefinite because it is unclear what the metes and bounds of “commodity-like” are. The specification fails to provide definitive limitation of the phrase.

As to claim 2, the phrase “tree-like” renders the claim indefinite because it is unclear what the metes and bounds of “tree-like” are. The specification fails to provide definitive limitation of the phrase.

6. As to claim 1, line 5 “the value-added” should be changed to “a value-added”. There is insufficient antecedent basis for this limitation in the claim.

As to claim 2, line 3 “the branches” should be changed a “branches”. There is insufficient antecedent basis for this limitation in the claim.

As to claim 4, line 1 “the means of extracting” should be changed to “a means of extracting”. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2125

As to claim 7, line 2 "the key root products" should be changed "key root products".

There is insufficient antecedent basis for this limitation in the claim.

As to claim 11, lines 1 and 2 "the stored specifications" should be changed to stored specifications". There is insufficient antecedent basis for this limitation in the claim.

As to claim 13, line 3 "the shelf life" should be changed to "a shelf life". There is insufficient antecedent basis for this limitation in the claim.

7. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

8. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed.

Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

9. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

Art Unit: 2125

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. In independent claims 1 and 15, the claims recite a computer program. It should be noted that code(i.e., a computer software program) does not do anything per se. Instead it is the code stored on a computer that, when executed, instructs the computer to perform various functions. The following claim is a generic example of a proper computer program product claim; A computer program product embodied on a computer-readable medium and comprising code that, when executed , causes a computer to perform the following:

12. No prior art rejections are provided at this stage of the prosecution in view of the many 112 issues. See MPEP 2173.06
(Prior art rejection of claim rejected as indefinite):

“...where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims.”

It is extremely difficult to determine the metes and bounds of the claimed invention due to the numerous 112 issues presented above.

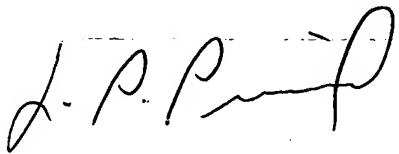
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

Art Unit: 2125

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chad Rapp
Examiner
Art Unit 2125

cjr

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Notice of References Cited	Application/Control No. 10/659,517	Applicant(s)/Patent Under Reexamination SADRE, MAMOUD
	Examiner Chad Rapp	Art Unit 2125

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0193528	09-2004	Sadre, Mamoud	705/037
*	B	US-2004/0133502	07-2004	Sadre, Mamoud	705/037
*	C	US-2002/0156774	10-2002	Beauregard et al.	707/3
*	D	US-2003/0003985	01-2003	Han, Byung Soo	463/17
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

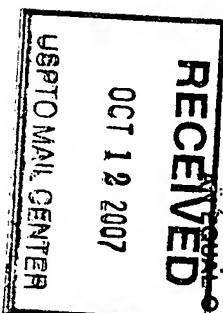
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Organization 2107 Bldg./Room RND
UNITED STATES PATENT AND TRADEMARK OFFICE
PO. Box 450
Alexandria, VA 22313-450
If Undeliverable Return In Ten Days

Official Business

Penalty For Private Use, \$300



NIXIE 022 SE 1 10 10/06/07
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 22313145050

*1669-04197-06-17

021142620050